

## Message Text

CONFIDENTIAL

PAGE 01 BONN 17149 01 OF 02 311728Z

50

ACTION EUR-12

INFO OCT-01 IO-04 ISO-00 SAJ-01 CIAE-00 DODE-00 PM-03 H-01

INR-05 L-01 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02

SS-15 USIA-06 COME-00 EB-04 LAB-01 SIL-01 /065 W

----- 056269

R 311716Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6003

INFO AMCONSUL BREMEN

AMCONSUL FRANKFURT

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION USBERLIN

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

USMISSION GENEVA

AMEMBASSY ROME

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 01 OF 02 BONN 17149

E.O. 11652: GDS

TAGS: ELAB, GW, PGOV

SUBJECT: EARLY PASSAGE OF GOVERNMENT MITBESTIMMUNG  
BILL LESS LIKELY

REF: BONN 16237, 16346, 16404, 16472, 16777, 16711,  
17033

1. SUMMARY. SEVERAL FACTORS, INCLUDING OPPOSITION BY  
DGB AND EMPLOYER REPRESENTATIVES, RESULTS OF RECENT  
ELECTIONS IN BAVARIA AND HESSE, ADDITIONAL LEGAL STUDIES  
AND POLLS CONFIRMING LOW VOTER INTEREST IN MITBESTIM-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 17149 01 OF 02 311728Z

MUNG, COMBINE TO REDUCE CHANCES FOR EARLY PASSAGE OF

GOVERNMENT'S MITBESTIMMUNG BILL. END SUMMARY.

2. THERE IS A DEVELOPING CONSENSUS THAT EARLY PASSAGE OF THE GOVERNMENT'S CODETERMINATION BILL IS BECOMING INCREASINGLY UNLIKELY. SOME, INCLUDING CDU SECRETARY-GENERAL BIEDENKOPF, EVEN BELIEVE THAT THERE WILL BE NO MITBESTIMMUNG BILL PASSED BEFORE THE 1976 FEDERAL ELECTIONS.

3. COMMITTEE HEARINGS HIGHLIGHTED OPPOSITION TO GOVERNMENTBILL BY MAJOR INTEREST GROUPS, DGB AND EMPLOYERS. THE DGB, WHICH TAKES THE POSITION THAT THEY WILL ABIDE BY THE BILL IF PASSED, IS DEVOTING ITS ENERGIES TO GETTING THE BILL CHANGED RATHER THAN TO SECURING ITS PASSAGE.

4. RECENT LANDTAG ELECTIONS IN BAVARIA AND HESSE FURTHER HURT THE BILL'S CHANCES BY REVEALING THE VOTERS' CONSERVATIVE SENTIMENTS. ALSO POOR SHOWING BY FDP TENDS TO MAKE THE JUNIOR COALITION PARTNER LESS WILLING TO COOPERATE WITH THE SPD IN GETTING THE BILL PASSED, BECAUSE FDP STRATEGISTS BELIEVE ELECTION RESULTS SHOW THAT THE FDP MUST CREATE A MORE INDEPENDENT IMAGE. SEVERAL CONSERVATIVE FDP SPOKESMEN HAVE ALREADY INDICATED THAT FDP PARTY MEMBERS HAVE RESERVATIONS ABOUT THE COALITION-SPONSORED BILL.

5. THE BILL HAS DRAWN NEW LEGAL CRITICISM. IN ADDITION TO THE CHAMBER OF COMMERCE-SPONSORED WENGLER STUDY, THERE ARE REPORTS OF TWO NEW LEGAL STUDIES WHICH FIND FAULT WITH THE BILL. THE JUSTICE MINISTRY HAS COMMISSIONED TWO INDEPENDENT STUDIES OF THE BILL, BY A PROFESSOR SCHOLZ OF BERLIN AND PROFESSOR THOMAS RAISER OF GIESSEN UNIVERSITY. THE JUSTICE MINISTRY HAS NOT RELEASED EITHER STUDY, BUT NEWSPAPER REPORTS SAY THAT BOTH LAW PROFESSORS FIND THAT, IF PASSED' THE BILL

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 17149 02 OF 02 311727Z

50  
ACTION EUR-12

INFO OCT-01 IO-04 ISO-00 SAJ-01 CIAE-00 DODE-00 PM-03 H-01

INR-05 L-01 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02

SS-15 USIA-06 COME-00 EB-04 LAB-01 SIL-01 /065 W

----- 056257

R 311716Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6004

INFO AMCONSUL BREMEN

AMCONSUL FRANKFURT

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION USBERLIN

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

USMISSION GENEVA

AMEMBASSY ROME

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 02 OF 02 BONN 17149

WOULD BE IN CONTRADICTION WITH GNTEES OF FREE  
COLLECTIVE BARGAINING, FOUND IN ARTICLE 9 OF THE FRG  
CONSTITUTION.

6. THE CALENDAR POSES ANOTHER HURDLE. TRADITIONALLY,  
IMPORTANT BILLS ARE SELDOM PASSED DURING THE LATTER  
MONTHS OF THE LEGISLATIVE PERIOD BECAUSE BUNDESTAG  
ACTIONS ARE OVERSHADOWED BY COMING FEDERAL ELECTIONS.  
THEREFORE' IF THE MITBESTIMMUNG BILL IS NOT PASSED BY  
MID-1975, CHANCES ARE INCREASED THAT NO BILL WOULD PASS  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 17149 02 OF 02 311727Z

BEFORE LATE 1976.

7. THE FUTURE OF THE BILL MAY BECOME CLEARER DURING  
THE NEXT COMMITTEE HEARINGS, SCHEDULED FOR NOVEMBER 4.

8. AMERICAN CHAMBER OF COMMERCE REPRESENTATIVES BELIEVE  
THAT THEIR EFFORTS ARE LARGELY RESPONSIBLE FOR PLACING  
THE BILL IN JEOPARDY.

9. COMMENT: IF THE MITBESTIMMUNG BILL IS TO BECOME  
LAW, SOMEONE MUST GET BEHIND IT, BUT SO FAR THE BILL,

IN ITS PRESENT FORM, LACKS AN ENTHUSIASTIC CHAMPION.  
HILLENBRAND

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, ELECTION RESULTS, PERSONAL OPINION, LABOR UNIONS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 31 OCT 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974BONN17149  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740311-0796  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t1974104/aaaaadao.tel  
**Line Count:** 171  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** BONN 16237, 16346, 16404, 16472, 167, 77, 16711  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 APR 2002 by boyleja>; APPROVED <07-Aug-2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EARLY PASSAGE OF GOVERNMENT MITBESTIMMUNG BILL LESS LIKELY  
**TAGS:** ELAB, PGOV, GE, US, MITBESTIMMUNG, (REBHAN, HERMAN)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005